

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT 2

Monday, November 14, 2005, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - August 5, 8, 15, 22 and 29, 2005.

PUBLIC HEARINGS - 7:30 p.m. - TIF District 22 amendment.

7:30 p.m. - TIF District 23 amendment.

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The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

* 05-1114-01 David W. and Nadine Burson petition to construct a watermain and sanitary sewer in Chester Way from Missouri Avenue to approximately 405 feet west of the centerline of Missouri Avenue. -- Assessor

* 05-1114-02 Eric and Deborah Ringsred concurrent use permit application to utilize the abandoned Duluth Transit Authority bus shelter at approximately 12 North Second Avenue East for use as a storage facility. -- Planning commission

* 05-1114-03 Rick J. and Mary J. Tourville petition to construct a watermain and sanitary sewer in Commonwealth Avenue from approximately 283 feet north of the centerline of vacated Lorain Avenue to approximately 333 feet south of the centerline of vacated Lorain Avenue. -- Assessor

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REPORTS OF OFFICERS

* 05-1114-04 Assessor letter of sufficiency of petition to vacate streets and alleys in Rice's Point. -- Received

* 05-1114-05 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license from Minnesota Deer Hunters Association, Lake of the Woods Chapter, on March 4, 2006 (raffle). -- Received

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REPORTS OF BOARDS AND COMMISSIONS

* 05-1114-06 Charter commission minutes of July 13, 2005, meeting. -- Received

* 05-1114-07 Commission on disabilities minutes of October 5, 2005, meeting. -- Received

* 05-1114-08 Duluth airport authority: (a) Balance sheets of: (1) July 31; (2) August 31, 2005; (b) Minutes of September 20, 2005, meeting. -- Received

* 05-1114-11 Duluth/North Shore Sanitary District board minutes of September 14, 2005, meeting. -- Received

- * 05-1114-09 Duluth state convention center administrative board minutes of September 27, 2005, meeting. -- Received
- * 05-1114-10 Duluth transit authority: (a) Income statement for July 2005; (b) Minutes of August 31, 2005, meeting. -- Received
- * 05-1114-12 Housing and redevelopment authority of Duluth minutes of July 26, 2005, meeting. -- Received
- * 05-1114-13 Parks and recreation commission minutes of: (a) September 14; (b) October 12, 2005, meetings. -- Received
- * 05-1114-14 Planning commission minutes of September 28, 2005, meeting. -- Received

* Listed only, not copied.

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REPORTS OF COUNCIL COMMITTEES

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REPORTS OF COUNCIL OPEN ISSUES

Comprehensive plan (5/28/2002)	ISD 709 (7/10/2003)
Planned unit development (5/28/2002)	Retiree benefits (4/12/2004)
Canal Park parking ramp (11/21/2002)	Air National Guard base (7/21/2005)
Bayfront master plan (12/16/2002)	Kapsner issues (8/22/2005)

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OPPORTUNITY FOR CITIZENS TO BE HEARD

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RESOLUTIONS TABLED

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0699R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM CORNER SIDE YARD SETBACK REQUIREMENT FROM 20 FEET TO TEN FEET FOR THE CONSTRUCTION OF A 904 SQUARE FOOT ADDITION TO AN EXISTING 576 SQUARE FOOT DETACHED GARAGE ON PROPERTY LOCATED AT 322 NORTH 80TH AVENUE WEST (DAVID MARK RIDGEWELL). (TABLED 10/24)

05-0700R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM CORNER SIDE YARD SETBACK REQUIREMENT FROM 20 FEET TO TEN FEET FOR THE CONSTRUCTION OF A 904 SQUARE FOOT ADDITION TO AN EXISTING 576 SQUARE FOOT DETACHED GARAGE ON PROPERTY LOCATED AT 322 NORTH 80TH AVENUE WEST (DAVID MARK RIDGEWELL). (TABLED 10/24)

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MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-0762R - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH RANGE CREDIT BUREAU, INC., FOR COLLECTION OF PAST DUE, OUTSTANDING BALANCES RELATED TO A REVOLVING LOAN FUND.

05-0773R - RESOLUTION AUTHORIZING THE ISSUANCE AND ESTABLISHING THE TERMS AND PROVIDING FOR THE PUBLIC SALE OF GENERAL OBLIGATION BONDS AND EQUIPMENT CERTIFICATES OF INDEBTEDNESS.

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0747R - RESOLUTION AWARDING CONTRACT TO CUSTOM FIRE APPARATUS FOR A TRIPLE COMBINATION PUMPER FIRE TRUCK IN THE AMOUNT OF \$292,028.75.

05-0748R - RESOLUTION AWARDING CONTRACT TO DULUTH SUPERIOR ERECTION, INC., FOR HARRISON RECREATION CENTER SITE IMPROVEMENTS IN THE AMOUNT OF \$60,600.

05-0751R - RESOLUTION AWARDING CONTRACT TO C. ANDERSON DEMOLITION FOR DEMOLITION OF PETERSON ARENA IN THE AMOUNT OF \$25,590.

05-0759R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH AMERICAN ENGINEERING TESTING, INC., (AET) FOR PROVIDING CERTAIN SPECIAL INSPECTIONS AND QUALITY CONTROL TESTING SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE EAST FIRST STREET MEDICAL DISTRICT PARKING FACILITY IN AN AMOUNT NOT TO EXCEED \$99,450.

05-0767R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO CONGDON PARK RECREATIONAL ASSOCIATION, CLIMB THEATRE AND ELK'S LODGE #133.

BY COUNCILOR JOHNSON (PERSONNEL)

05-0770R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF FIRE CAPTAIN.

05-0771R - RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE SPECIFICATIONS FOR THE CIVIL SERVICE CLASSIFICATION OF FIRE EQUIPMENT OPERATOR.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0744R - RESOLUTION VACATING A TEN FOOT WIDE UTILITY EASEMENT ON PROPERTY LOCATED AT 3324 DECKER ROAD (CRAWFORD).

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0763R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2004 HOME PROGRAM HOUSING DEVELOPMENT PROJECTS PURCHASE/REHABILITATION/RESALE AGREEMENT EXTENDING THE TIME FOR CONSTRUCTION/REHABILITATION WITH NEIGHBORHOOD HOUSING SERVICES.

05-0776R - RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF ST. LOUIS COUNTY TO RECLASSIFY FROM CONSERVATION TO NONCONSERVATION AND TO OFFER FOR SALE CERTAIN TAX FORFEITED PARCELS NOW WITHHELD FROM SALE IN CONSERVATION.

05-0778R - RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$37,450 BETWEEN THE 2004 AND 2005 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS.

05-0780R - RESOLUTION ACCEPTING A VAN AND A TENT IN SETTLEMENT OF XO LINERS, LLP'S DEBT TO THE REVOLVING LOAN FUND FORMERLY OPERATED BY NORTHSTAR COMMUNITY DEVELOPMENT CORPORATION (NSCDC) AND AUTHORIZING EXECUTION OF A RELEASE.

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-0740R - RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN THE JOINT PROPERTY TAX ADVISORY COMMITTEE DURING 2006 AND PAYING FOR ITS SHARE OF A CONSULTANT AGREEMENT AT A COST TO THE CITY OF \$11,500.

05-0779R - RESOLUTION AUTHORIZING AGREEMENT WITH RIDER BENNETT, LLP, FOR SERVICES RELATED TO NORTHWEST AIRLINES BANKRUPTCY. (REPLACEMENT)

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0668R - RESOLUTION OF INTENT TO CONSTRUCT A PERMANENT ALLEY IN CENTRAL AVENUE ALLEY BETWEEN BRISTOL STREET AND RAMSEY STREET (CITY JOB NO. 0524TR).

05-0731R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR THE CONSTRUCTION OF BUTTE AVENUE FROM THE END OF THE EXISTING BUTTE AVENUE, FROM CHARLES K. AND PEGGY J. BERTEL, 2400 BUTTE AVENUE.

05-0732R - RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FOR THE CONSTRUCTION OF BUTTE AVENUE FROM THE END OF THE EXISTING BUTTE AVENUE, FROM RICHARD D. STEWART AND KATHLEEN M. COLLINS, 2324 BUTTE AVENUE.

05-0737R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO CONTRACT 19568 WITH S.R.F. CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES NECESSARY FOR ROADWAY AND UTILITY DESIGN FOR THE CITY'S COMPONENT OF THE TRINITY ROAD (TH53) PROJECT, AMENDING THE SCOPE OF SERVICES AND INCREASING THE COMPENSATION BY AN ADDITIONAL \$94,300.

05-0742R - RESOLUTION ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND 29 FOR THE RECONSTRUCTION OF BRIDGE NO. 69J54 (OLD BRIDGE NO. L8479) OVER MILLER CREEK ON ANDERSON ROAD IN THE AMOUNT OF \$200,000.

05-0743R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO GRANT NO. A67966 WITH THE MNDNR, EXTENDING THE TERM THEREOF.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0749R - RESOLUTION AWARDED CONTRACT TO EPG COMPANIES, INC., FOR FLOW CONTROL PROGRAMMING IN THE AMOUNT OF \$11,305.

05-0750R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, THE CITY OF DULUTH AND SHORT ELLIOT HENDRICKSON, INC., FOR A TRANSPORTATION STUDY ALONG LONDON ROAD (T.H. 61) IN DULUTH, AT A COST TO THE CITY NOT TO EXCEED \$50,000.

05-0752R - RESOLUTION AWARDED CONTRACT TO SHORT ELLIOTT HENDRICKSON, INC., FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$48,000.

05-0755R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF LOT 21, AUDITOR'S PLAT OF TRINITY ROAD ACRES, EXCEPT THE SOUTHERLY 233 FEET OF THE WESTERLY 150 FEET THEREOF AND EXCEPT THAT PART OF SAID LOT 21 AS SHOWN AS PARCEL 256 ON MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLAT NUMBERED 69-66.

05-0760R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SALVATION ARMY RELATING TO DISTRIBUTION OF EMERGENCY ENERGY ASSISTANCE FUNDS IN THE AMOUNT OF \$16,086.

05-0764R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH L.H.B. ENGINEERS AND ARCHITECTS, TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR PHASE II DULUTH AERIAL LIFT BRIDGE, ESTIMATED AT \$14,445.

05-0766R - RESOLUTION AMENDING RESOLUTION 02-0652 TO INCREASE THE AMOUNT BY \$159,081.

05-0772R - RESOLUTION AMENDING RESOLUTION 05-0619 TO INCREASE THE AMOUNT BY \$67,205.

05-0775R - RESOLUTION AUTHORIZING AGREEMENTS WITH BNSF RAILWAY COMPANY AND SOO LINE RAILWAY COMPANY RELATIVE TO THE CONSTRUCTION OF HELBERG DRIVE (ARTHUR AVENUE).

05-0781R - RESOLUTION AUTHORIZING ACCEPTANCE OF LAND DONATION IN THE MAGNEY-SNIVELY NATURAL AREA FROM THE NATURE CONSERVANCY.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0738R - RESOLUTION TO ESTABLISH NO PARKING ON PALM STREET.

05-0754R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE OMEGA GROUP, INC., PROVIDING FOR INSTALLATION OF GIS MAPPING SOFTWARE SYSTEM SUPPORTING LAW ENFORCEMENT DATA GATHERING IN THE AMOUNT OF \$33,409.05.

05-0758R - RESOLUTION AUTHORIZING AGREEMENT WITH U.S. COAST GUARD FOR EMERGENCY RESPONSE SERVICES.

05-0769R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO GRANT CONTRACT NO. 2000-9748 WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, EXTENDING THE TERM THEREOF.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0777R - RESOLUTION TO ESTABLISH ONE STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0746R - RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF DULUTH AND THE ST. LOUIS COUNTY BOARD FOR THE FURNISHING OF HOME DELIVERED MEALS TO INCREASE THE PAYMENT FOR ELDERLY WAIVER MEALS FROM \$5.81 TO \$5.94 PER MEAL.

05-0753R - RESOLUTION AUTHORIZING THE FORM OF AGREEMENT PROVIDING FOR GAME OFFICIALS FOR YOUTH AND ADULT ATHLETIC LEAGUE PROGRAM ACTIVITIES.

05-0756R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE OVER THE HILL NIGHT RIDERS SNOWMOBILE CLUB FOR GROOMING THE CROSS COUNTRY SNOWMOBILE TRAIL-WEST FOR AN AMOUNT NOT TO EXCEED \$15,000.

05-0757R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DRIFT TOPPERS SNOWMOBILE CLUB FOR GROOMING THE CROSS COUNTRY SNOWMOBILE TRAIL-EAST FOR AN AMOUNT NOT TO EXCEED \$5,000.

05-0768R - RESOLUTION AUTHORIZING AN AGREEMENT WITH MALARA BROADCAST GROUP OF DULUTH, LLC, D/B/A CBS 3, AND PREMIER PYROTECHNICS FOR THE FIREWORKS PRODUCTION PRESENTED IN CONJUNCTION WITH THE *WARMER BY THE LAKE* EVENT ON JANUARY 7, 2006.

05-0782R - RESOLUTION NOMINATING TOM RYTHOR FOR THE MINNESOTA GOVERNOR'S COASTAL COUNCIL.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-0741R - RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH THE CITY OF DULUTH SUPERVISORY ASSOCIATION REGARDING ACTIVE AND RETIREE HEALTH INSURANCE.

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0735R - RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 8, 2005.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0761R - RESOLUTION TERMINATING A CONCURRENT USE PERMIT TO THE DULUTH TRANSIT AUTHORITY FOR A BUS SHELTER ON SECOND AVENUE EAST ABOVE SUPERIOR STREET (NORSHOR BUILDING).

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0774R - RESOLUTION DESIGNATING THE LEVEL OF PROGRAM PROTECTIONS AND MANAGEMENT PLAN FOR THE MAGNEY-SNIVELY NATURAL AREA.

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-0786R - RESOLUTION SETTING THE CITY'S PRIORITIES FOR BONDING PROJECTS BEFORE THE STATE LEGISLATURE IN 2006.

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinances are to be read for the first time:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-049-O - AN ORDINANCE PLACING CURRENT NONCONFORMING LOTS IN COMPLIANCE WITH SECTION 50-25 OF THE LEGISLATIVE CODE OF THE CITY OF DULUTH.

05-050-O - AN ORDINANCE GRANTING ST. MARY'S DULUTH CLINIC MEDICAL CENTER A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN DECORATIVE STREET LIGHTING, DATA CONDUITS AND SNOW MELT SYSTEM WITHIN THE RIGHT-OF-WAY OF EAST FIRST STREET BETWEEN FOURTH AVENUE AND SIXTH AVENUE EAST.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-051-O - AN ORDINANCE AMENDING DULUTH CITY CODE SECTION 33-46; INCREASING PENALTY FOR OVERTIME PARKING.

The following entitled ordinance is to be read for the second time:

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-048-O - AN ORDINANCE AMENDING CHAPTER 8, SECTIONS 13, 18, 24, 27, 32, 40, 41, 42, 44, 49, 50, 51, 52, 55, 56, 57, 59, 62 AND 67 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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COUNCILOR QUESTIONS AND COMMENTS

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